



General Assembly

**Substitute Bill No. 307**

February Session, 2022



**AN ACT CONCERNING PROSECUTORIAL ACCOUNTABILITY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (h) of section 51-275a of the 2022 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2022*):

4 (h) The commission shall be within the [Division of Criminal Justice.  
5 Said division shall provide staff] Office of Governmental Accountability  
6 established under section 1-300, as amended by this act, which shall  
7 provide administrative support for the commission.

8 Sec. 2. Subsection (b) of section 51-278 of the 2022 supplement to the  
9 general statutes is repealed and the following is substituted in lieu  
10 thereof (*Effective October 1, 2022*):

11 (b) (1) (A) The Criminal Justice Commission shall appoint (i) two  
12 deputy chief state's attorneys as assistant administrative heads of the  
13 Division of Criminal Justice, one of whom shall be deputy chief state's  
14 attorney for operations and one of whom shall be deputy chief state's  
15 attorney for personnel, finance and administration, who shall assist the  
16 Chief State's Attorney in his duties, and (ii) one deputy chief state's  
17 attorney who shall be appointed by the commission, as provided in

18 subdivision (8) of this subsection, to serve as Inspector General in  
19 accordance with section 51-277e, who shall receive his or her  
20 prosecutorial powers as a designee of the Chief State's Attorney. The  
21 term of office of a deputy chief state's attorney shall be four years from  
22 July first in the year of appointment and until the appointment and  
23 qualification of a successor unless sooner removed by the Criminal  
24 Justice Commission. The Criminal Justice Commission shall designate  
25 one deputy chief state's attorney appointed under subparagraph (A)(i)  
26 of this subsection who shall, in the absence or disqualification of the  
27 Chief State's Attorney, exercise the powers and duties of the Chief  
28 State's Attorney until such Chief State's Attorney resumes his duties. For  
29 the purposes of this subparagraph, the Criminal Justice Commission  
30 means the members of the commission other than the Chief State's  
31 Attorney. (B) The Criminal Justice Commission shall appoint a state's  
32 attorney for each judicial district, who shall act therein as attorney on  
33 behalf of the state. The Criminal Justice Commission shall also appoint,  
34 from candidates recommended by the appropriate state's attorney and  
35 deemed qualified by the commission, as many assistant state's attorneys  
36 and deputy assistant state's attorneys on a full-time or part-time basis  
37 for each judicial district as the criminal business of the court, in the  
38 opinion of the Chief State's Attorney, may require, and the commission  
39 shall also appoint, from candidates recommended by the Chief State's  
40 Attorney and deemed qualified by the commission, as many assistant  
41 state's attorneys and deputy assistant state's attorneys as are necessary,  
42 in the opinion of the Chief State's Attorney, to assist the Chief State's  
43 Attorney. Assistant state's attorneys and deputy assistant state's  
44 attorneys, respectively, shall assist the state's attorneys for the judicial  
45 districts and the Chief State's Attorney in all criminal matters and, in the  
46 absence from the district or disability of the state's attorney or at his  
47 request, shall have and exercise all the powers and perform all the duties  
48 of state's attorney. At least three such assistant state's attorneys or  
49 deputy assistant state's attorneys shall be designated by the Chief State's  
50 Attorney to handle all prosecutions in the state of housing matters  
51 deemed to be criminal. Any assistant or deputy assistant state's attorney  
52 so designated should have a commitment to the maintenance of decent,

53 safe and sanitary housing and, to the extent practicable, shall handle  
54 housing matters on a full-time basis. At least one assistant state's  
55 attorney shall be designated by the Chief State's Attorney to handle all  
56 prosecutions in the state of environmental matters deemed to be  
57 criminal. Any assistant state's attorney so designated should have a  
58 commitment to protecting the environment and, to the extent  
59 practicable, shall handle environmental matters on a full-time basis. (C)  
60 The Chief State's Attorney may promote any assistant state's attorney,  
61 or deputy assistant state's attorney who assists him, and the appropriate  
62 state's attorney may promote any assistant state's attorney or deputy  
63 assistant state's attorney who assists such state's attorney in the judicial  
64 district. The Chief State's Attorney shall notify the Criminal Justice  
65 Commission of any such promotion.

66 (2) On and after July 1, 1985, the Chief State's Attorney, deputy chief  
67 state's attorneys, state's attorneys, assistant state's attorneys and deputy  
68 assistant state's attorneys shall receive salaries in accordance with a  
69 compensation plan approved by the Department of Administrative  
70 Services.

71 (3) Each state's attorney who, on June 30, 1973, was included in the  
72 provisions of sections 51-49, 51-287 and 51-288 may elect to continue to  
73 be so included and, each state's attorney, incumbent on July 1, 1978, who  
74 was an assistant state's attorney, chief prosecuting attorney or deputy  
75 chief prosecuting attorney on June 30, 1973, may elect to be included in  
76 sections 51-49, 51-287 and 51-288, and, in each such case, the  
77 Comptroller shall deduct from his salary five per cent thereof as  
78 contributions for the purposes of sections 51-49, 51-287 and 51-288,  
79 provided any person who has so elected may thereafter elect to  
80 participate in chapter 66 and thereupon his past contributions to the  
81 State's Attorneys' Retirement Fund shall be transferred to the State  
82 Employees Retirement Fund and he shall be credited with all prior  
83 service. All other persons appointed under the provisions of this section  
84 shall be subject to the provisions of chapter 66.

85 (4) Each Chief State's Attorney, deputy chief state's attorney or state's

86 attorney who (A) is ineligible to elect under subdivision (3) of this  
87 subsection, (B) is not subject to the provisions of chapter 66, and (C) had  
88 vested under the State Employees Retirement Fund, prior to his  
89 appointment to such office, shall vest under the State's Attorneys'  
90 Retirement Fund upon reappointment to any such office by the Criminal  
91 Justice Commission.

92 (5) The several state's attorneys shall each hold office for [eight] five  
93 years from July first and until the appointment and qualification of a  
94 successor unless sooner removed for just cause by the Criminal Justice  
95 Commission. Beginning July 1, 2023, the commission shall biennially  
96 evaluate the performance of each state's attorney in accordance with  
97 section 51-280, as amended by this act.

98 (6) When any vacancy in the office of the Chief State's Attorney or the  
99 office of a state's attorney is to be filled, the commission shall make its  
100 appointment from the various recommendations of the Chief State's  
101 Attorney or the appropriate state's attorney. The commission shall  
102 determine how many recommendations it shall require for each  
103 appointment.

104 (7) Each deputy chief state's attorney and state's attorney incumbent  
105 on the date of certification by the Secretary of the State of the  
106 constitutional amendment concerning appointment of state's attorneys,  
107 shall serve the term for which he had been appointed prior to said date.

108 (8) When any appointment of a deputy chief state's attorney to serve  
109 as Inspector General in accordance with section 51-277e is to be made,  
110 the commission shall make such appointment by majority vote. In the  
111 event that there is a tie vote for such appointment, the chairperson of  
112 the commission shall select the nominee from amongst the candidates  
113 in the tie position and said candidate shall be appointed to serve as  
114 Inspector General.

115 Sec. 3. Subsection (c) of section 51-278b of the general statutes is  
116 repealed and the following is substituted in lieu thereof (*Effective July 1,*

117 2022):

118 (c) The Criminal Justice Commission may discipline for just cause  
119 after due notice and hearing by reprimand, demotion or suspension  
120 with or without pay from his or her office up to fifteen days, a Chief  
121 State's Attorney, deputy chief state's attorney or state's attorney. A  
122 recommendation for discipline may be initiated by the Chief State's  
123 Attorney. The Chief State's Attorney may discipline any assistant state's  
124 attorney or deputy assistant state's attorney who assists [him] the Chief  
125 State's Attorney or the appropriate state's attorney may discipline any  
126 assistant state's attorney or deputy assistant state's attorney who assists  
127 [him] such state's attorney, for just cause after due notice and hearing  
128 by reprimand, demotion or suspension with or without pay from his or  
129 her office up to fifteen days.

130 Sec. 4. (*Effective from passage*) (a) The Division of Criminal Justice  
131 Advisory Board, established pursuant to section 51-279a of the general  
132 statutes, shall develop recommended policies on or before November 1,  
133 2023. Such policies shall be for the purpose of increasing efficiency,  
134 ensuring fairness and eliminating bias across the judicial districts. Such  
135 policies shall include, but are not limited to, those addressing:

136 (1) Preliminary criminal case decisions, including:

137 (A) Initiation of charges;

138 (B) Charging juveniles as adults;

139 (C) The standard of proof required to initiate and maintain charges;  
140 and

141 (D) Investigatory and discovery materials to be reviewed before  
142 charging;

143 (2) Compliance with and enforcement of the state constitutional  
144 rights of victims;

145 (3) Case management and staffing, including transfer, continuance  
146 and staffing standards;

147 (4) The use of a grand jury for investigations;

148 (5) Circumstances and procedures for deviating from the policies  
149 created by the advisory board pursuant to this subsection;

150 (6) A uniform assessment tool for conducting annual performance  
151 evaluations for all deputy assistant state's attorneys, assistant state's  
152 attorneys, senior assistant state's attorneys, supervisory assistant state's  
153 attorneys and any other prosecuting attorneys;

154 (7) Uniform prosecutorial ethics standards in addition to the ethical  
155 standards pertaining to all attorneys, including:

156 (A) Adoption of a comprehensive code of ethics for state's attorneys,  
157 deputy assistant state's attorneys, assistant state's attorneys, senior  
158 assistant state's attorneys, supervisory assistant state's attorneys and  
159 any other prosecuting attorneys in accordance with national best  
160 practices;

161 (B) Establishment of a process for tracking oversight of ethical  
162 compliance by prosecuting attorneys within the state's attorney's  
163 judicial district; and

164 (C) Adoption of a process for tracking, monitoring and correcting  
165 ethical complaints against or ethical violations by prosecuting attorneys  
166 within the state's attorney's judicial district; and

167 (8) Any other issues the advisory board deems necessary.

168 (b) Not later than February 1, 2024, the Division of Criminal Justice  
169 Advisory Board shall report on its recommended policies developed  
170 pursuant to subsection (a) of this section, in accordance with the  
171 provisions of section 11-4a of the general statutes, to the joint standing  
172 committee of the General Assembly having cognizance of matters

173 relating to the judiciary.

174 Sec. 5. Section 51-279c of the general statutes is repealed and the  
175 following is substituted in lieu thereof (*Effective October 1, 2022*):

176 The Chief State's Attorney shall establish a formal training program  
177 for all newly-appointed prosecuting attorneys consisting of not less than  
178 five days and an ongoing training program for all prosecuting attorneys  
179 consisting of not less than two days each year. Such training programs  
180 shall commence January 1, 1998. On and after July 1, 2023, each such  
181 training program shall include training on (1) racial bias, including  
182 implicit bias; (2) systemic collateral consequences of arrest, charging and  
183 incarceration; (3) available conviction and sentencing alternatives; (4)  
184 victim interview techniques; (5) mental illness and trauma; and (6)  
185 reentry strategies for offenders released into the community. At least  
186 one day (A) of each training program for newly-appointed prosecuting  
187 attorneys, and (B) annually of such ongoing training programs shall be  
188 held in a state correctional facility.

189 Sec. 6. Section 51-280 of the 2022 supplement to the general statutes  
190 is repealed and the following is substituted in lieu thereof (*Effective*  
191 *October 1, 2022*):

192 (a) The Chief State's Attorney and each state's attorney shall  
193 biennially prepare a merit and performance rating for each state's  
194 attorney, assistant state's attorney and deputy assistant state's attorney  
195 and shall submit the biennial merit and performance rating conducted  
196 pursuant to the policy of the Division of Criminal Justice for each state's  
197 attorney to the Criminal Justice Commission for its consideration at the  
198 time for reappointing such attorneys to any new term or terms. As part  
199 of any such biennial merit and performance rating process, the  
200 commission may call a state's attorney before the commission for  
201 questions concerning any issue raised in a biennial merit and  
202 performance rating.

203 (b) The Office of Governmental Accountability, established under

204 section 1-300, as amended by this act, shall biennially prepare a judicial  
205 district performance report for each state's attorney which shall include,  
206 but not be limited to, data collected pursuant to section 51-286j, as  
207 amended by this act.

208 (c) The Office of Governmental Accountability shall provide the  
209 judicial district performance report for the judicial districts of Ansonia-  
210 Milford, Hartford, Middlesex, New Britain, Stamford-Norwalk and  
211 Waterbury to the Criminal Justice Commission on or before July 1, 2023,  
212 and every two years thereafter. The Office of Governmental  
213 Accountability shall provide the judicial district performance report for  
214 the judicial districts of Danbury, Fairfield, Litchfield, New Haven, New  
215 London, Tolland and Windham to the Criminal Justice Commission on  
216 or before July 1, 2024, and every two years thereafter.

217 (d) The Criminal Justice Commission shall provide each judicial  
218 district performance report to the state's attorney who is the subject of  
219 the report and post such report on the Internet web site for the Division  
220 of Criminal Justice on the same date that the judicial district  
221 performance report is provided to the commission. The commission  
222 shall review the performance report for each judicial district and the  
223 state's attorney shall be given the opportunity to explain any  
224 discrepancies between the judicial districts or between past and present  
225 performance.

226 (e) When a state's attorney is being considered for reappointment, the  
227 judicial district performance reports created by the Office of  
228 Governmental Accountability and the performance reviews conducted  
229 by the Criminal Justice Commission may be considered by the Criminal  
230 Justice Commission.

231 Sec. 7. Section 51-286j of the general statutes is repealed and the  
232 following is substituted in lieu thereof (*Effective October 1, 2022*):

233 (a) The Division of Criminal Justice, in consultation with the Judicial  
234 Branch, the Department of Correction and the Criminal Justice

235 Information System Governing Board, established under section 54-142,  
236 shall collect for the purposes of section 4-68ff disaggregated, case level  
237 data by docket number pertaining to defendants who are eighteen years  
238 of age or older at the time of the commission of an alleged offense under  
239 each of the categories described in subdivisions (1) to [(13)] (14),  
240 inclusive, of this subsection, as follows:

241 (1) Arrests, including data on citations, summonses, custody arrests,  
242 warrants and on-site arrests;

243 (2) Arraignments of individuals in custody;

244 (3) Continuances;

245 (4) Diversionary programs, including data on program applications,  
246 program diversions, successful completions by defendants of such  
247 programs, failures by defendants to complete such programs and  
248 people in diversion on the first of the month;

249 (5) Contact between victims and prosecutorial officials, including  
250 data on cases involving victims;

251 (6) Dispositions, including data on pending cases and cases disposed  
252 of;

253 (7) Nonjudicial sanctions, including data on nonjudicial sanctions  
254 applied, successful completion of nonjudicial sanctions, failure of  
255 nonjudicial sanctions and persons on nonjudicial sanction status on the  
256 first of the month;

257 (8) Plea agreements, including data on total plea agreements,  
258 agreements involving probation, agreements involving prison, other  
259 agreements and prosecutor's last best offer;

260 (9) Cases going to trial, including data on cases added per month,  
261 pending trial cases, plea offers accepted by the court per month, plea  
262 offers rejected by the court per month, disposition by trial, disposition

263 involving probation, disposition involving prison and other  
264 dispositions;

265 (10) Demographics, including data on race, sex, ethnicity and age;

266 (11) Court fees or fines, including those imposed by the court at the  
267 disposition of the defendant's case and any outstanding balance the  
268 defendant may have on such fees or fines;

269 (12) Restitution amounts ordered pursuant to subsection (c) of section  
270 53a-28, including any amount collected by the court and any amount  
271 paid to a victim; [and]

272 (13) The zip code of the defendant's primary residence; and

273 (14) Uses of force investigated by the Office of the Inspector General.

274 (b) No information collected under this section that personally  
275 identifies a victim may be disclosed under section 4-68ff.

276 (c) The information collected under this section shall be compiled and  
277 reported for each judicial district to the Office of Governmental  
278 Accountability, established under section 1-300, as amended by this act,  
279 for preparation of judicial district performance reports pursuant to  
280 section 51-280, as amended by this act.

281 Sec. 8. Section 1-300 of the general statutes is repealed and the  
282 following is substituted in lieu thereof (*Effective October 1, 2022*):

283 (a) There is established the Office of Governmental Accountability.  
284 The executive administrator of the office shall serve as the  
285 administrative head of the office, who shall be appointed in accordance  
286 with the provisions of section 1-301, as amended by this act.

287 (b) The Office of Governmental Accountability shall provide  
288 personnel, payroll, affirmative action and administrative and business  
289 office functions and information technology associated with such  
290 functions for the following: The Judicial Review Council established

291 under section 51-51k, Judicial Selection Commission established under  
292 section 51-44a, Board of Firearms Permit Examiners established under  
293 section 29-32b, Office of the Child Advocate established under section  
294 46a-13k, Office of the Victim Advocate established under section 46a-  
295 13b, [and] State Contracting Standards Board established under section  
296 4e-2 and Criminal Justice Commission established under section 51-  
297 275a, as amended by this act. The personnel, payroll, affirmative action  
298 and administrative and business office functions of said offices,  
299 commission, council and boards shall be merged and consolidated  
300 within the Office of Governmental Accountability.

301 (c) The executive administrator may employ necessary staff to carry  
302 out the administrative functions of the Office of Governmental  
303 Accountability, within available appropriations. Such necessary staff of  
304 the Office of Governmental Accountability shall be in classified service.

305 (d) The Office of Governmental Accountability shall prepare a  
306 judicial district performance report for each state's attorney pursuant to  
307 the provisions of section 51-280, as amended by this act.

308 [(d)] (e) Nothing in this section shall be construed to affect or limit the  
309 independent decision-making authority of the Judicial Review Council,  
310 Judicial Selection Commission, Board of Firearms Permit Examiners,  
311 Office of the Child Advocate, Office of the Victim Advocate or [the] State  
312 Contracting Standards Board or Criminal Justice Commission. Such  
313 decision-making authority includes, but is not limited to, decisions  
314 concerning budgetary issues and concerning the employment of  
315 necessary staff to carry out the statutory duties of each such office,  
316 commission, council or board.

317 Sec. 9. Subsection (a) of section 1-301 of the general statutes is  
318 repealed and the following is substituted in lieu thereof (*Effective October*  
319 *1, 2022*):

320 (a) (1) There shall be a Governmental Accountability Commission,  
321 within the Office of Governmental Accountability established under

322 section 1-300, as amended by this act, that shall consist of [six] seven  
 323 members as follows: (A) The executive director of the Judicial Review  
 324 Council established under section 51-51k, or the executive director's  
 325 designee; (B) the chairperson of the Judicial Selection Commission  
 326 established under section 51-44a, or the chairperson's designee; (C) the  
 327 chairperson of the Board of Firearms Permit Examiners established  
 328 under section 29-32b, or the chairperson's designee; (D) the Child  
 329 Advocate appointed under section 46a-13k, or the advocate's designee;  
 330 (E) the Victim Advocate appointed under section 46a-13b, or the  
 331 advocate's designee; [and] (F) the chairperson of the State Contracting  
 332 Standards Board established under section 4e-2, or the chairperson's  
 333 designee; and (G) the chairperson of the Criminal Justice Commission  
 334 established under section 51-275a, as amended by this act, or the  
 335 chairperson's designee, provided no person serving as a designee under  
 336 this subsection may be a state employee. The Governmental  
 337 Accountability Commission shall select a chairperson who shall preside  
 338 at meetings of the commission. Said commission shall meet for the  
 339 purpose of making recommendations to the Governor for candidates for  
 340 the executive administrator of the Office of Governmental  
 341 Accountability pursuant to the provisions of subsection (b) of this  
 342 section, or for the purpose of terminating the employment of the  
 343 executive administrator.

344 (2) The commission established under subdivision (1) of this  
 345 subsection shall not be construed to be a board or commission within  
 346 the meaning of section 4-9a.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	51-275a(h)
Sec. 2	<i>October 1, 2022</i>	51-278(b)
Sec. 3	<i>July 1, 2022</i>	51-278b(c)
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>October 1, 2022</i>	51-279c
Sec. 6	<i>October 1, 2022</i>	51-280

Sec. 7	October 1, 2022	51-286j
Sec. 8	October 1, 2022	1-300
Sec. 9	October 1, 2022	1-301(a)

**Statement of Legislative Commissioners:**

In Section 4(a), subdivisions (4) and (8) were merged to avoid redundancy and in Section 9(a)(1), "six" was changed to "[six] seven" for accuracy.

**JUD**      *Joint Favorable Subst.*